



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6
1445 ROSS AVENUE, SUITE 1200
DALLAS TX 75202-2733

MAY 18 2012

Mr. Salvador Deocampo
District Engineer, Texas Division
Federal Highway Administration
Federal Office Building
300 East 8th Street, Room 826
Austin, Texas 78701

Dear Mr. Deocampo:

In accordance with our responsibilities under Section 309 of the Clean Air Act, the National Environmental Policy Act (NEPA), and the Council on Environmental Quality Regulations (CEQ) for Implementing NEPA, the U.S. Environmental Protection Agency (EPA) Region 6 office in Dallas, Texas, has completed its review of the Limited Scope Supplemental (LSS) to the Supplemental Draft Environmental Impact Statement (SDEIS) for the Trinity Parkway Project. This action is the construction on either existing and/or new location of the Trinity Parkway as a limited-access toll facility from Interstate Highway (IH) 35E/SH-183 to US175/SH-310 in Dallas, Dallas County, Texas. The LSS provides the necessary update on important events affecting the proposed project that have occurred since the SDEIS and addresses deficiencies of the Dallas Floodway system as identified by the Corps of Engineers Study dated April 1, 2009.

The LSS and SDEIS provide the public and Federal, state, and local agencies with the assurance that the project sponsors have evaluated, addressed, and documented project-related social, economic, and environmental concerns. The Federal Highway Administration (FHWA), North Texas Tollway Authority (NTTA), Texas Department of Transportation (TXDOT), and the City of Dallas are the sponsors of the Trinity Parkway project. Trinity Parkway project has been selected as one of new nationwide priority projects subject to Executive Order (EO) 13274 signed by President Bush on September 18, 2002. The EO was issued to enhance environmental stewardship while streamlining the decision making process for major transportation projects.

The LSS and SDEIS evaluate and identify the potential environmental impacts associated with the Build Alternatives, including the No-Action Alternative. Unavoidable impacts are minimized and mitigated with appropriate compensatory mitigation. The LSS and SDEIS demonstrate the final selected alternative action should have minimal significant adverse impact. Final alternative selection will be based on practicability and viability which includes not only environmental but also economic costs and social impact. EPA agrees that only practicable alternatives can be implemented to meet the stated project purpose and need.

EPA agreed to be a cooperating agency in the development of the EIS. A cooperating agency is an organization, other than the lead agency, which has jurisdiction by law or with

special expertise with respect to environmental impacts due to a major Federal action that would affect the quality of the human environment. The EPA has special expertise in the areas of NEPA, Clean Air Act conformity, Environmental Justice and Section 404 of the Clean Water Act for the disposal of dredged or fill material. EPA's participation as a cooperating agency provided our agency the coordination opportunities and capacity to comment early in the developmental stages of the EIS and thus contributed to the development of environmentally acceptable alternatives and a full disclosure NEPA document.

EPA rates the LSS and SDEIS as "EC-2," i.e., EPA has "**Environmental Concerns and Request Additional Information in the FEIS**". The EPA's Rating System Criteria can be found here: <http://www.epa.gov/oecaerth/nepa/comments/ratings.html>. Our enclosed detail comments are offered to complement and to more fully insure compliance with the requirements of NEPA and the Council on Environmental Quality (CEQ) regulations. EPA's comments are offered on wetland mitigation, air quality, and Environmental Justice. We ask that these comments be addressed and responded to in the FEIS.

Our classification will be published in the Federal Register according to our responsibility under Section 309 of the Clean Air Act to inform the public of our views on proposed Federal actions. If you have any questions, please contact Mike Jansky of my staff at (214) 665-7451 or by e-mail at jansky.michael@epa.gov for assistance.

EPA appreciates the opportunity to review the LSS and SDEIS. Please send our office two copies of the FEIS when it is sent to the Office of Federal Activities, EPA (Mail Code 2252A), Ariel Rios Federal Building, 1200 Pennsylvania Ave, N.W., Washington, D.C. 20004.

Sincerely yours,

A handwritten signature in dark ink, appearing to read 'Rhonda Smith', followed by a long horizontal flourish.

Rhonda Smith
Chief, Office of Planning and
Coordination

Enclosure

DETAILED COMMENTS
ON THE
LIMITED SCOPE SUPPLEMENTAL TO THE SUPPLEMENTAL (LSS)
DRAFT ENVIRONMENTAL IMPACT STATEMENT (SDEIS)
ON THE TRINITY PARKWAY PROJECT
FROM IH-35E-183 TO US -175/SH-310 DALLAS COUNTY, TEXAS

Wetland/Flood Plain

With the preferred alternative and final design yet to be determined, EPA's concern for wetland and floodplain protection still exists.

- EPA encourages the project sponsors to continue to work with the U.S. Army Corps of Engineers (COE) to ensure that the selected alternative has no negative effect on floodwater conveyance or flood levels.
- Beyond the measures described in the SDEIS Section 7.4 for minimizing impacts to wetlands, EPA believes that additional measures to avoid impacts to wetlands can be achieved by strategically selecting borrow areas that avoid wetlands within the floodplain.

The LSS indicates that once a preferred alternative has been recommended, the preliminary Section 404 mitigation plan, SDEIS Appendix J, will be refined and provided in the Final EIS (FEIS). EPA requests that it be allowed to review and comment on the final mitigation plan as it is being refined prior to inclusion in the FEIS. Areas of concern with the preliminary mitigation plan are:

- potentially insufficient acreage of both forest riparian and emergent wetland habitat,
- lack of a binding long term maintenance agreement to protect the mitigation area from the semi-annual mowing program,
- lack of topographic diversity in the wetland cell designs and proposed wetland creation that may impact existing wetlands.

Additionally, we request that EPA:

- be provided copies of all future mitigation monitoring reports and
- be allowed to participate in on-site inspections for mitigation monitoring and success determination until such time as the COE determines full compliance with the 404 permit conditions.

Air Quality

In reference to Section 4.14, Air Quality Impacts, the LSS and SDEIS discusses the modeling methodology used in the Traffic Air Quality Analysis (TAQA) for this project, and cites MOBILE6 as the EPA highway vehicle emission factor model used in the TAQA. Effective March 2, 2010, the MOVES model has replaced MOBILE6 as the EPA-approved and supported model for the purpose of estimating emissions from highway vehicles. The FEIS should note that on December 7, 2011, the State of Texas adopted revisions to the Dallas/Fort Worth air quality plan which utilize the MOVES model for development of highway vehicle emission factors. The MOVES-based motor vehicle emissions budgets (MVEBs) contained in these Dallas/Fort Worth State Implementation Plan (SIP) revisions will form the basis of future transportation conformity analyses, in which emissions from projects contained in the Transportation Improvement Program/Metropolitan Transportation Plan (TIP/MTP) analyzed for conformity with the Dallas/Fort Worth air quality plan. EPA asks that the FEIS:

- include discussion addressing how further development of this project and related air quality analyses will utilize the MOVES model for calculations of highway vehicle emissions, as well as,
- demonstrating conformity of this project to the Dallas/Fort Worth air quality plan.

Environmental Justice

The LSS and SDEIS have provided an excellent analysis of the communities potentially impacted by this project. All the census blocks along the Trinity River have been researched in depth. The LSS has determined that the Trinity Parkway plan is in compliance with EO 12898 and Title VI of the Civil Rights Act of 1964.